



House of Representatives

General Assembly

File No. 29

February Session, 2018

Substitute House Bill No. 5174

House of Representatives, March 22, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT RESTRICTING LOBBYING BY FORMER LEGISLATIVE EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-84b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) No former executive branch or quasi-public agency public
4 official or state employee shall represent anyone other than the state,
5 concerning any particular matter (1) in which he participated
6 personally and substantially while in state service, and (2) in which the
7 state has a substantial interest.

8 (b) No former executive branch or quasi-public agency public
9 official or state employee shall, for one year after leaving state service,
10 represent anyone, other than the state, for compensation before the
11 department, agency, board, commission, council or office in which he
12 served at the time of his termination of service, concerning any matter

13 in which the state has a substantial interest. The provisions of this
14 subsection shall not apply to an attorney who is a former employee of
15 the Division of Criminal Justice, with respect to any representation in a
16 matter under the jurisdiction of a court.

17 (c) The provisions of this subsection apply to present or former
18 executive branch public officials or state employees who hold or
19 formerly held positions which involve significant decision-making or
20 supervisory responsibility and are designated as such by the Office of
21 State Ethics in consultation with the agency concerned except that such
22 provisions shall not apply to members or former members of the
23 boards or commissions who serve ex officio, who are required by
24 statute to represent the regulated industry or who are permitted by
25 statute to have a past or present affiliation with the regulated industry.
26 Designation of positions subject to the provisions of this subsection
27 shall be by regulations adopted by the Citizen's Ethics Advisory Board
28 in accordance with chapter 54. As used in this subsection, "agency"
29 means the Office of Health Care Access division within the
30 Department of Public Health, the Connecticut Siting Council, the
31 Department of Banking, the Insurance Department, the Department of
32 Emergency Services and Public Protection, the office within the
33 Department of Consumer Protection that carries out the duties and
34 responsibilities of sections 30-2 to 30-68m, inclusive, the Public Utilities
35 Regulatory Authority, including the Office of Consumer Counsel, and
36 the Department of Consumer Protection and [the term] "employment"
37 means professional services or other services rendered as an employee
38 or as an independent contractor.

39 (1) No public official or state employee in an executive branch
40 position designated by the Office of State Ethics shall negotiate for,
41 seek or accept employment with any business subject to regulation by
42 his agency.

43 (2) No former public official or state employee who held such a
44 position in the executive branch shall within one year after leaving an
45 agency, accept employment with a business subject to regulation by

46 that agency.

47 (3) No business shall employ a present or former public official or
48 state employee in violation of this subsection.

49 (d) The provisions of subsection (e) of this section apply to (1)
50 present or former Department of Consumer Protection public officials
51 or state employees who hold or formerly held positions which involve
52 significant decision-making or supervisory responsibility and are
53 designated as such by the Office of State Ethics, in consultation with
54 the agency concerned, and (2) present or former public officials or state
55 employees of other agencies who hold or formerly held positions
56 which involve significant decision-making or supervisory
57 responsibility concerning the regulation or investigation of (A) any
58 business entity (i) engaged in Indian gaming operations in the state,
59 and (ii) in which a federally-recognized Indian tribe in the state owns a
60 controlling interest, or (B) a governmental agency of a federally-
61 recognized Indian tribe engaged in Indian gaming operations in the
62 state, which positions are designated as such by the Office of State
63 Ethics, in consultation with the agency concerned. Designation of
64 positions subject to the provisions of this subsection shall be by
65 regulations adopted by the Citizen's Ethics Advisory Board in
66 accordance with chapter 54. As used in subsection (e) of this section,
67 the term "employment" means professional services or other services
68 rendered as an employee or as an independent contractor.

69 (e) (1) No Department of Consumer Protection public official or
70 state employee or other public official or state employee described in
71 subdivision (2) of subsection (d) of this section, in a position
72 designated by the Office of State Ethics, shall negotiate for, seek or
73 accept employment with (A) a business entity (i) engaged in Indian
74 gaming operations in the state, and (ii) in which a federally-recognized
75 Indian tribe in the state owns a controlling interest, or (B) a
76 governmental agency of a federally-recognized Indian tribe engaged in
77 Indian gaming operations in the state.

78 (2) No former Department of Consumer Protection public official or

79 state employee or other former public official or state employee
80 described in subdivision (2) of subsection (d) of this section, who held
81 such a position shall, within two years after leaving such agency,
82 accept employment with (A) a business entity (i) engaged in Indian
83 gaming operations in the state, and (ii) in which a federally-recognized
84 Indian tribe in the state owns a controlling interest, or (B) a
85 governmental agency of a federally-recognized Indian tribe engaged in
86 Indian gaming operations in the state.

87 (f) No former public official or state employee (1) who participated
88 substantially in the negotiation or award of (A) a state contract valued
89 at an amount of fifty thousand dollars or more, or (B) a written
90 agreement for the approval of a payroll deduction slot described in
91 section 3-123g, or (2) who supervised the negotiation or award of such
92 a contract or agreement, shall accept employment with a party to the
93 contract or agreement other than the state for a period of one year after
94 his resignation from his state office or position if his resignation occurs
95 less than one year after the contract or agreement is signed. No party
96 to such a contract or agreement other than the state shall employ any
97 such former public official or state employee in violation of this
98 subsection.

99 (g) No member or director of a quasi-public agency who
100 participates substantially in the negotiation or award of a contract
101 valued at an amount of fifty thousand dollars or more, or who
102 supervised the negotiation or award of such a contract, shall seek,
103 accept, or hold employment with a party to the contract for a period of
104 one year after the signing of the contract.

105 (h) The provisions of subsections (a), (b) and (f) of this section shall
106 not apply to any employee of a quasi-public agency who leaves such
107 agency before July 1, 1989. The provisions of subsections (b) and (f) of
108 this section shall not apply to a former state employee of a public
109 institution of higher education whose employment was derived from
110 such employee's status as a student at such institution.

111 (i) No Treasurer who authorizes, negotiates or renegotiates a

112 contract for investment services valued at an amount of fifty thousand
 113 dollars or more shall negotiate for, seek or accept employment with a
 114 party to the contract prior to one year after the end of the Treasurer's
 115 term of office within which such contract for investment services was
 116 authorized, negotiated or renegotiated by such Treasurer.

117 (j) No former executive, judicial or legislative branch or quasi-public
 118 agency official or state employee convicted of any felony involving
 119 corrupt practices, abuse of office or breach of the public trust shall seek
 120 or accept employment as a lobbyist or act as a registrant pursuant to
 121 this chapter.

122 (k) No former Governor shall accept employment or act as a
 123 registrant pursuant to the provisions of this chapter, for one year after
 124 leaving state service, on behalf of any business that received a contract
 125 with any department or agency of the state during such Governor's
 126 term. No business shall employ a former Governor in violation of this
 127 subsection.

128 (l) No former legislative branch state employee shall, for one year
 129 after leaving state service in the legislative branch, accept employment
 130 or act as a lobbyist of the legislative branch pursuant to this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	1-84b

Statement of Legislative Commissioners:

In Sec. 1(l), "in the legislative branch" was added for clarity.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which prohibits former legislative branch state employees from lobbying for one year after leaving state service, has no fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5174*****AN ACT RESTRICTING LOBBYING BY FORMER LEGISLATIVE EMPLOYEES.*****SUMMARY**

This bill prohibits former state legislative employees from lobbying the legislative branch for one year after leaving state service.

EFFECTIVE DATE: October 1, 2018

BACKGROUND***Revolving Door Restrictions***

The Code of Ethics for Public Officials contains several revolving door provisions that apply to executive and quasi-public agency officials and employees when they leave state service. Among other things, it prohibits them from representing anyone, other than the state, concerning any matter in which (a) they personally and substantially participated while in state service and (b) the state has a substantial interest. The law also prohibits state legislative employees who have been convicted of certain felonies from lobbying the legislative branch.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 2 (03/09/2018)